

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C.,

By: Daniel P. Burke Date: 6/25/99
DANIEL P. BURKE, ESQ.

(Docket 152-55)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : THOMAS LEON, ET AL
SERIAL NO. : Not Yet Assigned
FILED : Not Yet Assigned
TITLE : VETERINARY DELIVERY SYSTEM AND METHODS
OF DELIVERING EFFECTIVE AGENTS TO
ANIMALS

DECLARATION AND POWER OF ATTORNEY

As below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We are the original, first and sole inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled VETERINARY DELIVERY SYSTEM AND METHODS OF DELIVERING EFFECTIVE AGENTS TO ANIMALS which is being filed herewith.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified

below any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s)

			<u>Priority Claimed</u>	
			<input type="checkbox"/>	<input type="checkbox"/>
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	Yes	No

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date)

(Status)
(patented, pending,
abandoned)

(Application Serial No.) (Filing Date)

(Status)
(patented, pending,
abandoned)

We hereby appoint Daniel P. Burke, Esq., Reg. No. 30,735 and Thomas M. Galgano, Reg. No. 27,638 of Galgano & Burke, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all written communications and telephone calls to:

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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


CITIZENSHIP: U.S.A.


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Date: 6/23/99

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Date: 6/23/99

PATENT

DOCKET; 152-55CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : LEON, ET AL.
SERIAL NO. : CIP of 09/344,693
FILED : December 5, 2003
TITLE : METHOD OF TREATING ILLNESSES IN A NON-HUMAN MAMMAL
EXAMINER : Neil S. Levy
GROUP : 1616

DECLARATION OF EVAN C. BLONDER

Honorable Commissioner for Patents and Trademarks
Washington, D.C. 20231

1. I, EVAN C. BLONDER, of East Village Green Animal Hospital, hereby declare that I am a doctor of veterinary medicine. I am licensed to practice in the State of New York.

2. I have a Bachelor's of Science Degree in Animal Science from the University of Maryland and a Doctor of Veterinary Medicine from Ross University. I have been practicing veterinary medicine for over 13 years.

3. I am an owner and director of East Village Animal Hospital located in Levittown, New York. My responsibilities include treating a wide range of animals including small animals such as dogs and cats.

4. I have reviewed and am familiar with the above-referenced patent application. I have also reviewed U.S. Patent No. 5,110,605 to Acharya entitled "Calcium Polycarbophil-Alginate Controlled Released Composition and Method".

5. The Acharya patent mentions two active ingredients that may be used for treating animals. Both of these ingredients are for treating animals that are well, as opposed to an animal that is sick.

6. At the bottom of Column 3 of the Acharya patent, the use of the VP3 vaccine for foot-and-mouth disease which was once a common disease in the United States in cows is discussed. As this is a vaccine, it would not be administered to an animal having foot-and-mouth disease. Vaccines are not recommended for animals that are already sick since the vaccine would present a significant risk of making the animal sicker.

7. The Acharya patent also talks about administering bovine growth hormone. This hormone is used for dairy cows in order to induce greater milk production in the cows. Bovine growth hormone is not administered to treat a sickness in a cow or other animal.

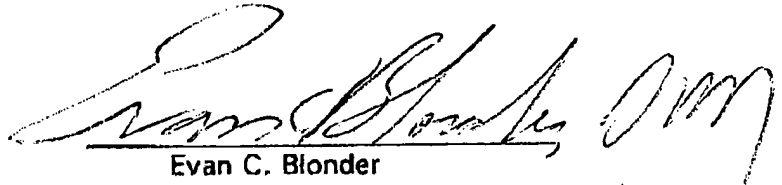
8. The claims of the present invention are directed to methods diagnosing and treating sick, non-human mammals utilizing a flexible, pliable film. In my opinion, the Acharya reference would not suggest the present invention to one of ordinary skill in the art in veterinary medicine.

9. I have also had an opportunity to administer films made in accordance with the present invention. I have never seen anything like the films of the

present invention used for administering active ingredients to dogs. The films of the present invention was easy to administer, stayed in the dogs' mouths and is a more effective way of administering and treating a sick animal.

I further declare that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this document and the application to which it relates.

Date: December 5, 2003



Evan C. Blonder